

REMARKS

Claims 1-13 are pending in the present application. Claims 1-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Black et al. (USP 6,614,796). Claims 1 and 9-11 have been amended, and claim 7 has been canceled. A Request for Continued Examination (RCE) is being submitted concurrently herewith. Reconsideration and reexamination of the application in view of the following remarks are respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Black. Claim 1 has been amended. With the amendment to claim 1, it is respectfully submitted that this rejection has been overcome.

The present invention as claimed is directed generally to a method and apparatus for device access fairness in Fibre Channel Arbitrated Loop Systems. One embodiment of the claimed invention improves system performance by *assigning different access priorities to the ports in accordance with different port types*. For example, the highest priority can be assigned to string cascade ports, second highest priority to tree cascade ports, and lowest priority to device ports. As a result, the present invention improves system performance as compared to a true rotating priority system, such as a “round robin” algorithm.

Claim 1, as amended, recites “logic implementing predefined loop control criteria to enforce fairness for single and multiple Loop Switch systems in addition to the access fairness algorithm *by assigning different access priorities to the ports in accordance with different port types*.”

Note that this limitation is similar to what was in claim 7, now canceled. With regard to claim 7, the Office Action states that column 7 line 37 of Black discloses “a system for interconnecting Fibre Channel Arbitrated Loop Devices . . . wherein the ports are assigned different access priorities.”

Black fails to disclose, teach, or suggest “assigning different access priorities to the ports in accordance with different port types” as recited in amended claim 1. Column 7 line 37 of Black only discloses that a fairness token, when circulated to all ports and held by a particular port, gives that port “high priority.” This priority is not based at all on the port type. In fact, round-robin schemes such as those disclosed in Black rely on all ports of any type receiving this “high priority” at some point in time as a way of ensuring that all ports get fair access, so Black actually teaches away from giving different priorities to different ports based on port type. (See column 17 lines 27-42 of Black.)

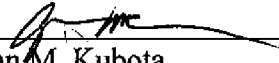
Because Black fails to disclose each and every limitation of amended claim 1, it is respectfully submitted that rejection of claim 1 (and claims 2-13 which depend on claim 1) has been overcome.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 491442011622. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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